IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 914 of 2005

Between:

Pulaparthi Rama Durgamma, W/o.Nooka Raju,
Indukurupeta Village, Devipatnam Mandal, East Godavari

District.

... PETITIONER

AND

1 The District Collector, East Godavari District, Kakinada.
2 The Revenue Divisional Officer, Rampachodavaram,
East Godazvari District.
3 The Mandal Revenue Officer, Devipatnam Mandal,

Devipatnam, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in resorting to evict the petitioner from the land in S.No.49/4 to an extent of 0.37 Hectares of Indukurupeta Village, Devipatnam Mandal, East Godavari District as highly illegal, arbitrary, unjust, improper and in total violation of the principles of natural justice and consequently direct the respondents not to evict the petitioner from the above land without following due process of law.

Counsel for the Petitioner: MR.BADANA BHASKARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in resorting to evict the petitioner from the land in S.No.49/4 to an extent of Ac.0.37 Hectares of Indukurupeta Village, Devipatnam mandal, East Godavari District as illegal and arbitrary and to direct the respondents not to evict the petitioner without following due process of law.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of at the admission stage.

3. Petitioner claiming to be the owner and peaceful possessor of land in an extent of Ac.1.00 cents in Survey No.49/4, Indukurupeta Village, Devipatnam mandal, East Godavari District states that the Mandal Revenue Officer, Devipatnam, the third respondent herein issued Pattadar Pass Book and title deed in her favour. It is the case of the petitioner that the third respondent visited her land on 22-01-2005 and threatened her to vacate the land, without following due process of law, stating that the land would be assigned to landless poor.

4. Any dispossession of the petitioner from the subject land, shall only be after following the due process of law, in that, they shall issue notice to the petitioner calling for her explanation, after considering the explanation that may be submitted by her, pass appropriate orders, and till such exercise is undertaken, status quo obtaining as on today shall be maintained by the parties as regards the possession of the petitioner. If the respondents have already followed the due process of law in the matter, they are liberty to take consequential steps in accordance with the decision they have taken.

Accordingly, the writ petition is disposed of at the stage of admission.

N. V. RAMANA, J

January 28, 2005

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The District Collector, East Godavari District, Kakinada.
2 The Revenue Divisional Officer, Rampachodavaram, East Godazvari District.
3 The Mandal Revenue Officer, Devipatnam Mandal,

Devipatnam, East Godavari District.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. Copies.